

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

CHERYL L. RUTHERFORD,)	
)	
Plaintiff,)	
)	
v.)	No. 09-2496-STA-cgc
)	
DEXTER CLEANERS and PHILLIP)	
DOWNING,)	
)	
Defendants.)	

**ORDER ADOPTING THE MAGISTRATE JUDGE’S REPORT AND
RECOMMENDATION**

On August 3, 2009, Plaintiff Cheryl L. Rutherford (“Plaintiff”) filed a *pro se* complaint alleging claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5 (D.E. #1). Summons were issued as to Defendants Dexter Cleaners and Phillip Downing (D.E. # 6) and the summons were returned executed on October 30, 2009 (D.E. ## 7, 8). To date, neither Defendant has answered or otherwise responded to the Complaint.

On May 6, 2010, the Court entered an Order of Dismissal (D.E. # 11) for failure to prosecute. Plaintiff appealed her dismissal to the United States Court of Appeals for the Sixth Circuit on May 21, 2010 (D.E. # 16). The Sixth Circuit vacated the Order of Dismissal and remanded the case. On remand, the case was referred to Magistrate Judge Claxton to set a scheduling conference and to advise Plaintiff of her options consistent with the Sixth Circuit’s opinion (D.E. # 21). The Magistrate Judge held a scheduling conference, which Plaintiff

attended on October 25, 2011. Since then, Plaintiff has filed a motion for appointment of counsel, which was denied, and a notice of change of address. She has taken no other further action.

On November 11, 2013, the Magistrate Judge entered a Report & Recommendation, recommending that the Court direct the Clerk of Court to enter default under Federal Rule of Civil Procedure (“Rule”) 55(a) and invite the Plaintiff to move for default judgment under Rule 55(b)(2).

The parties have not filed objections to the Report and Recommendation. The Court hereby adopts the Magistrate Judge’s Report and Recommendation pursuant to Rule 72(b)(3). Consistent with the Report and Recommendation, Plaintiff is invited to move for default judgment under Rule 55(b) and the Clerk of Court is directed to enter default pursuant to Rule 55(a).

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: November 19, 2013